

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

February 5, 2009



Rezoning RZ 09-03: IPS Group (for Mark Dennard)

CASE DESCRIPTION: a request to change the zoning classification from Commercial District (C-3) to Office District (C-1)

LOCATION: 0.97 acres of vacant land located at the southeast corner of Jaguar West Villa Maria Road and Jaguar Drive

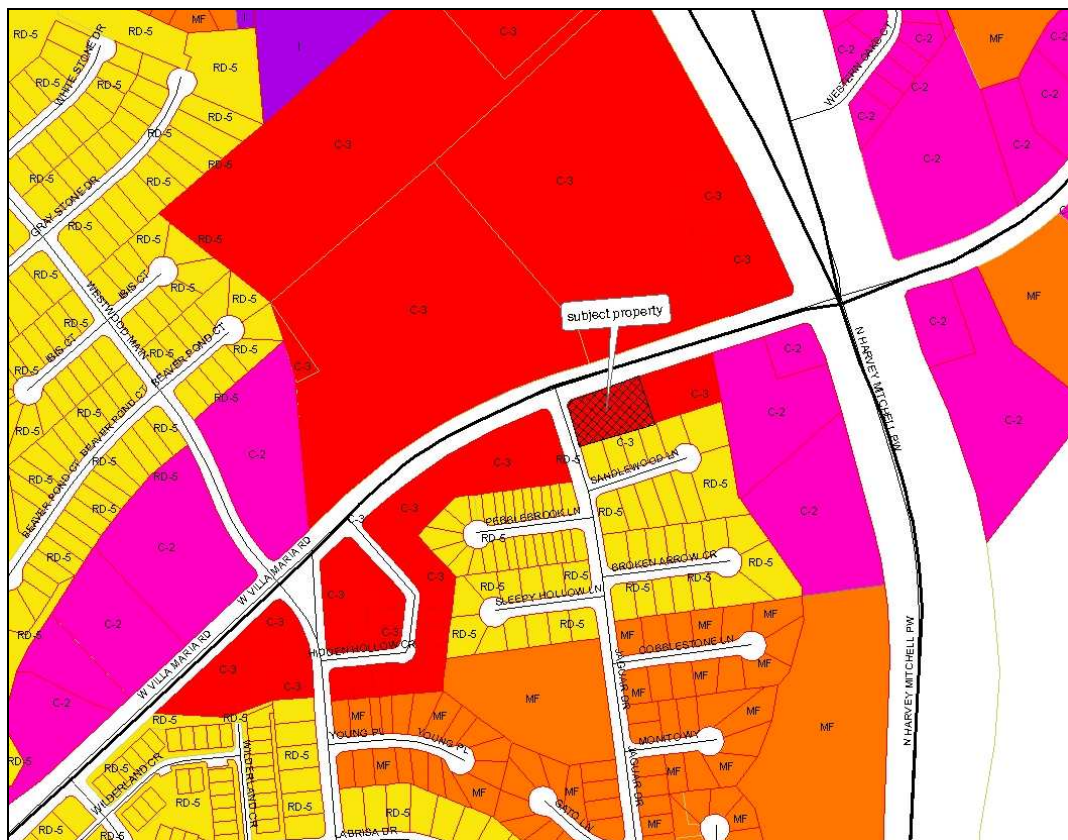
LEGAL DESCRIPTION: Lot 1 of the Jaguar Subdivision in Bryan, Brazos County, Texas

EXISTING LAND USE: vacant

APPLICANT(S): Mark Dennard

STAFF CONTACT: Julie Fulgham, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this request.



AERIAL:



looking at subject property from across Jaguar Dr.



looking east at Villa Maria/Jaguar Dr. intersection



looking north at Villa Maria/Jaguar Dr. intersection



looking south along Jaguar Drive



looking east from subject property across Jaguar Dr.

BACKGROUND:

The applicant, Mark Dennard, is requesting to change the zoning classification on this approximately 1-acre site from Commercial District (C-3) to Office District (C-1). Nearby commercial land uses include several churches, a fitness center and office uses. A large residential subdivision extends south of the subject property.

The C-3 zoning classification is intended to provide opportunities for development with heavy retail and commercial uses of a service nature, including wholesale trade, warehousing development, repair and service establishments, as well as heavy and bulk equipment supply dealers.

The C-1 zoning classification is intended to provide locations for various types of general office or business and service uses. Offices and professional uses are permitted by right in the C-1 zoning district while a few neighborhood retail uses such as restaurants and retail establishments are allowed with approval of a Conditional Use Permit from the Planning and Zoning Commission.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan's Comprehensive Plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives.

The Comprehensive Plan suggests that areas suitable for Office/Light Commercial uses include points of high visibility (including minor collector streets), locations that are convenient and accessible to residential areas, and at transitional location between residential uses and higher intensity commercial land uses.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The C-1 zoning classification is primarily intended for low intensity office and professional uses generally in smaller buildings and to allow some light intensity retail uses. Permitted uses are considered compatible with adjacent residential areas.

In this particular case, staff believes that C-1 zoning on the subject property will be consistent with land use recommendations of Bryan's Comprehensive Plan which suggests that office/light commercial uses are appropriate at locations of high visibility and areas that are convenient and accessible to residential areas. The subject property is located along West Villa Maria Road, a major arterial street, and adjoins a large residential neighborhood that extends further south of West Villa Maria Road, east of Harvey Mitchell Parkway.

Staff believes that the current C-3 zoning of the subject property is less desirable at this location adjacent to residential home sites. C-3 zoning allows more intense commercial activities such as automobile repair or nightclubs. In fact, staff believes that a comprehensive rezoning of C-3-zoned properties in this area to zoning classifications allowing less intense commercial uses may be appropriate. Staff believes that zoning classifications only allowing lesser intense commercial uses would be more compatible with established land use patterns in this area and protect neighborhood residences. Staff considers C-1 zoning to be the most desirable zoning district to abut residential zoning districts and uses.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

Staff does not believe the proposed change will provide a negative impact on public schools, streets, water supply, sanitary sewers, or other utilities in the area. Any issues regarding utility capacity will be addressed at the time of redevelopment. Zone changes to more restrictive zoning classifications typically alleviates stresses on public infrastructure.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is currently no land zoned exclusively for office uses within at least ½-mile of the subject property. Land to the north, west and east is zoned C-3 District while land further

east is zoned Retail District (C-2). Rezoning this tract to an Office District will provide a transition between the low-intensive existing residential district and commercial or retail districts along the major intersections nearest the intersection of West Villa Maria and Jaguar Drive (being the intersections of West Villa Maria Road and Westwood Main and West Villa Maria Road and Harvey Mitchell Parkway).

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Staff contends that adjacent properties in the same C-3 zoning district as the subject property are now mostly developed with uses that would also be allowed in the proposed C-1 zoning district such as several nearby churches and an office building. Staff believes that this zone change request, if approved, will not make land that allows similar development in the vicinity and elsewhere in the City unavailable for development.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar developments. As mentioned above staff believes that a comprehensive rezoning of C-3-zoned properties to more restrictive zoning classifications may be appropriate in this area.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff does not believe this proposed rezoning would adversely affect health, safety, morals, or general welfare. Development allowed in a C-1 District on the subject property is likely to have less (if any) direct detrimental impacts on the appearance, comfort and value of existing nearby residences compared to potential developments allowed within the existing C-3 District.

RECOMMENDATION:

Staff recommends **approving** C-1 zoning, as requested.